

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

INDECK KEYSTONE ENERGY, LLC,  
Plaintiff

v.

VICTORY ENERGY OPERATIONS, LLC,  
Defendant

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Case No. 04-325 Erie

Deposition of THEODORE CHARLES FUHRMAN, JR.,  
taken before and by Sondra A. Black, Notary Public  
in and for the Commonwealth of Pennsylvania, on Monday,  
November 7, 2005, commencing at 2:09 p.m., at the offices  
of Marshall Dennehey Warner Coleman & Goggin, 1001 State  
Street, Erie, Pennsylvania 16501.

For the Plaintiff:

John K. Gisleson, Esquire  
Schnader Harrison Segal & Lewis, LLP  
Fifth Avenue Place  
120 Fifth Avenue, Suite 2700  
Pittsburgh, PA 15222

CONFIDENTIAL

For the Defendant:

Christopher T. Sheean, Esquire  
Wildman Harrold Allen & Dixon, LLP  
225 West Wacker Drive  
Chicago, IL 60606

Reported by Sondra A. Black  
Ferguson & Holdnack Reporting, Inc.

EXHIBIT

tabbles

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1 times.

2 A. Yes.

3 Q. You were asked about the drawings that are in the  
4 draft VEO sales manual, and you said that you didn't know the  
5 basis for those drawings; is that right?

6 A. Correct.

7 Q. You said that certain of those drawings, though,  
8 were in EPTI's brochure; is that right?

9 A. Correct.

10 Q. Can you describe for me what was in this EPTI  
11 brochure.

12 A. It was a brochure for our package boiler line.

13 Q. Was that the entire package boiler line from the  
14 small boilers all the way up to the large boilers well above  
15 150,000 pounds per hour?

16 A. Yes.

17 Q. So that it included the O style boilers that were  
18 different from the M series boilers?

19 A. It included -- it was for the O style boiler, which  
20 included the M series.

21 Q. Is Mark White an engineer? Professional engineer?

22 A. I don't know.

23 Q. You were asked questions about the Keystone design  
24 manual. Was it your belief, based on conversations you had  
25 with Jay McConaughy or others at VEO, that VEO was in